

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MARVIN L. BROWN JR.,

Plaintiff,

V.

ROBERT HOUSTON, Director, in his official
and individual capacity, MICHAEL
KENNEY, Director, in his official and
individual capacity, SCOTT FRAKES,
Director, in his official and individual
capacity, DIANE SABAKA RHINE,
Associate Director, in her official and
individual capacity, RANDY KOHL, Medical
Director, in his official and individual
capacity, FRANCIS BRITTEN, Warden, in
his official and individual capacity, MARIO
PEARTZ, Warden, in his official and
individual capacity, BRIAN GAGE, Warden,
in his official and individual capacity, SCOTT
BUSBOOM, Associate Warden, in his official
and individual capacity, SHAWN
SHERMAN, Unit Admin., in his official and
individual capacity, DR. JEFF DAMME, in
his official and individual capacity, DR.
CASEBOLT, in his official and individual
capacity, KIMBERLY DOHT, APRN, in his
official and individual capacity, CHERYL
FLINN, in her official and individual
capacity, LUE YOUNG, in her official and
individual capacity, CHRIS, PA/RNs, in his
official and individual capacity, T PELLA,
CPL Officer, in his official and individual
capacity, TAYLOR, in his official and
individual capacity, and FALK, Caseworker
and Case Manager, in his official and
individual capacity,

Defendants.

8:16CV217

MEMORANDUM AND ORDER

Along with his Complaint (Filing No. 1) and Motion for Leave to Proceed In Forma Pauperis (Filing No. 2), Plaintiff has filed a Motion to Appoint Counsel (Filing No. 4). The court cannot routinely appoint counsel in civil cases. In [*Davis v. Scott*, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit

Court of Appeals explained that “[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel. The trial court has broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel[.]” [*Id.*](#) (internal citation and quotation marks omitted). As the court has not yet conducted an initial review of Plaintiff’s complaint, no such benefit is apparent at this time. Thus, Plaintiff’s request for the appointment of counsel will be denied.

IT IS ORDERED that Plaintiff’s Motion to Appoint Counsel (Filing No. 4) is denied.

DATED this 18th day of May, 2016.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge